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 ATTORNEY FOR USE PLAINTIFF,
 SMITH EMERY COMPANY

FILED *AS*

08 APR 11 PM 1:00

U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES, FOR THE USE OF SMITH EMERY COMPANY;	Plaintiff(s), v.	CASE NUMBER CV08-00363-JCS
DICK/MORGANTI/NIBBI, A JOINT VENTURE, ET AL;		Defendant(s).

**NOTICE OF DISMISSAL PURSUANT
 RULE 41(a) or (c) F.R.Civ.P.**

PLEASE TAKE NOTICE: (Check one)

This action is dismissed by the Plaintiff(s) in its entirety.

The Counterclaim brought by Claimant(s) _____ is dismissed by Claimant(s) in its entirety.

The Cross-Claim brought by Claimants(s) _____ is dismissed by the Claimant(s) in its entirety.

The Third-party Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.

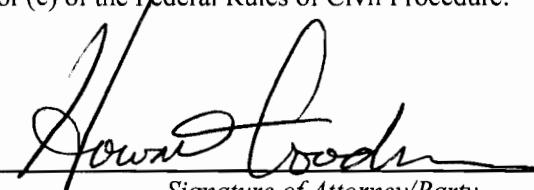
ONLY Defendant(s) _____

is/are dismissed from (check one) Complaint, Counterclaim, Cross-claim, Third-Party Claim brought by _____.

The dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil Procedure.

MARCH 31, 2008

Date


 Signature of Attorney/Party

NOTE: F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.

F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 18321 Ventura Boulevard, Suite 915, Tarzana, California 91356-4228.

On April 7, 2008, I served the foregoing document described as **NOTICE OF DISMISSAL PURSUANT RULE 41(a) or (c)F.R. Civ.P** on all interested parties in this action by placing a true copy thereof enclosed in (a) sealed envelope(s) addressed as follows:

Raymond M. Buddie
Rick W. Grady
PECKAR & ABRAMSON, P.C.
455 Market Street, 21st Floor
San Francisco, CA 94105

X (BY MAIL) I deposited such envelope(s) in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing. It is deposited with the U.S. Postal Service on that same date in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

— (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).

____ (BY ELECTRONIC TRANSFER) I caused all of the pages of the above-entitled document to be sent to the recipients noted on the attached service list via electronic transfer (FAX) at the respective FAX numbers indicated on the attached service list.

Executed on April 7, 2008 at Tarzana, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar to this court at whose direction the service was made.

VERA ESTEY

Kera Gitz